

1 SPENCER HOSIE (CA Bar No. 101777)  
shosie@hosielaw.com  
2 BRUCE WECKER (CA Bar No. 078530)  
bwecker@hosielaw.com  
3 GEORGE F. BISHOP (CA Bar No. 89205)  
gbishop@hosielaw.com  
4 HOSIE RICE LLP  
5 One Market, 22nd Floor  
San Francisco, CA 94105  
6 (415) 247-6000 Tel.  
7 (415) 247-6001 Fax

8 ROBERT J. YORIO (CA Bar No. 93178)  
yorio@carrferrell.com  
9 CARR & FERRELL LLP  
10 2200 Geng Road  
11 Palo Alto, CA 94303  
(650) 812-3400 Tel.  
(650) 812-3444 Fax

13      *Attorneys for Plaintiff*  
PRIVASYS, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PRIVASYS, INC.

18 Plaintiff.

20 || v

21 AMERICAN EXPRESS COMPANY and  
22 AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY INC.

### Defendants

Case No. C-08-01072 SJ

**STIPULATED MOTION TO  
POSTPONE LITIGATION DATES  
AND PROPOSED ORDER**

1       The parties wish to inform the Court that they have arrived at an agreement in principle  
2 to settle this case, subject to execution of a final written settlement agreement. Therefore,  
3 pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff PrivaSys, Inc. ("Plaintiff") and Defendants  
4 American Express Company and American Express Travel Related Services Company, Inc.  
5 ("Defendants"), hereby stipulate through their respective counsel of record as follows:

6           WHEREAS a Case Management Conference in this case was held on July 11, 2008;

7           WHEREAS, on July 18, 2008 the parties filed a stipulated request to extend litigation  
8 dates, on the ground that the parties were engaged in settlement discussions, and the Court  
9 granted the stipulated order on July 22;

10          WHEREAS the parties, having continued settlement discussions, have now reached an  
11 agreement in principle to settle this case subject to execution of a final written settlement  
12 agreement, and have begun working on preparing the necessary documentation;

13          WHEREAS the litigation dates next approaching under the current case schedule are:  
14 August 11, 2008 for Disclosure of Asserted Claims and Preliminary Infringement Contentions  
15 by plaintiff and production of documents, and September 25, 2008 to Serve Preliminary  
16 Invalidity Contentions by defendants and production of documents; and

17          WHEREAS one previous extension of time has been granted in this case, as described  
18 above, and no trial date has yet been set;

19

20

21

22

23

24

25

26

27

28

NOW THEREFORE the parties through their undersigned counsel hereby stipulate to, and request the Court to order, the continuance of litigation dates by four weeks as set forth in the proposed order attached hereto.

**IT IS SO STIPULATED**

DATED: August 7, 2008

HOSIE RICE LLP

By: /s/ George F. Bishop  
George F. Bishop

*Attorneys for Plaintiff PrivaSys, Inc.*

DATED: August 7, 2008

KIRKLAND AND ELLIS LLP

By: /s/ Perry Clark  
Perry Clark

*Attorneys for Defendant American Express Company and American Express Travel Related Services Company, Inc.*

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: August 7, 2008

/s/ George F. Bishop  
George F. Bishop

ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that the compliance dates set forth in the Court's Order issued July 22, 2008, are continued to the dates set forth below.

9/8/08	Disclosure of Asserted Claims and Preliminary Infringement Contentions (Pat.L.R. 3-1 &2) by plaintiff and production of documents
10/10/08 @ 2:30 p.m. for further cmc re: settlement	
10/23/08	Serve Preliminary Invalidity Contentions (Pat.L.R. 3-3 &4) by defendant and production of documents
11/3/08	Parties Exchange Proposed Terms & Claim Elements (Pat.L.R. 4-1)
11/24/08	Parties Exchange Preliminary Claim Construction & Extrinsic Evidence (Pat.L.R. 4-2)
12/27/08	File Joint Claim Construction & Prehearing Statement
2/5/09	Completion of Claim Construction Discovery (Pat.L.R. 4-4)
3/6/09	File Opening Brief on Claim Construction (Pat.L.R. 4-5)
4/3/09	File Responsive Brief on Claim Construction (Pat.L.R. 4-5)
4/17/09	Reply Brief on Claim Construction
December 12, 2008 @ 2:30 p.m.	Further Case Management Conference
April 29, 2009 [or date to be set by the Court]	Markman Hearing

**SO ORDERED**

August \_\_\_\_\_, 2008

---

Honorable Susan Illston  
United States District Judge